REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-28 will be pending. By this amendment, claims 1, 5, 9, and 11-13 have been amended. No new matter has been added.

§ 102 Rejection of Claims 1-28

In Section 3 of the Office Action, claims 1-28 stand rejected under 35 U.S.C. §102(e) as being aniticipated by Negishi (U.S. Patent No. 6,285,689). Claims 1, 5, 9, and 11-13 have been amended to address the rejection.

In the Background section of the Specification, it was stated that "when multiplexing a pair of bit streams by using the MPEG 2 system it is necessary to inversely multiplex a multiplexed bit stream BSMUX to rearrange the bit stream and decode the coded signal in order to restore the original bit stream from the multiplexed bit stream BSMUX. ... In other words, when decoding the multiplexed bit stream BSMUX, there [is a need] for rearranging the inversely multiplexed bit stream and a [need] for decoding the rearranged bit stream. ... Therefore, conventionally, the process of decoding a multiplexed bit stream BSMUX requires the use of complex devices and decoding steps." *Background of the Specification, Page 4, lines 6-14.*

To solve the above-stated problem, embodiments of the present invention provide apparatus, methods , and programs for multiplexing first and second bit streams, where each of the first and second bit streams is formatted in accordance with a different standard.

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For example, the structure of apparatus claim 1, as presented herein, includes

"*a dividing means* for dividing said second bit stream into access units;

an adding means for adding a start code in a format corresponding to the standard of said first bit stream to each of said access units obtained by dividing said second bit stream,

wherein said adding means transforms said divided second bit stream prior to adding said start code if said start code of said first bit stream for receiving said second bit stream is subjected to certain restrictions; and

a multiplexing means for defining a user operable region in access unit of said first bit stream and multiplexing and recording at least part of said second bit stream on said user operable region."

(emphasis added)

In summary, the signal processing apparatus of claim 1 multiplexes first and second bit streams, where each of the first and second bit streams is formatted in accordance with a different standard, and includes a dividing means; an adding means for adding a start code, wherein the adding means transforms the divided second bit stream prior to adding the start code if the start code of the first bit stream for receiving the second bit stream is subjected to certain restrictions; and a multiplexing means.

By contrast, Negishi fails to teach or suggest a signal processing apparatus which multiplexes first and second bit streams, where each of the first and second bit streams is formatted in accordance with a different standard, and includes a dividing means; an adding means for adding a start code, wherein the adding means transforms the divided second bit stream prior to adding the start code if the start code of the first bit stream for receiving the second bit stream is subjected to certain restrictions; and a multiplexing means. Thus, Negishi fails to teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should allowable over Negishi. Since

independent claims 5, 9, and 11-13 closely parallel, and include substantially similar limitations

as recited in, independent claim 1, claims 5, 9, and 11-13 should also be allowable over Negishi.

Further, since claims 2-4, 6-8, 10, and 14-28 depend from one of claims 1, 5, 9, and 11-13,

claims 2-4, 6-8, 10, and 14-28 should also be allowable over Negishi.

Accordingly, it is submitted that the rejection of claims 1-28 based upon 35 U.S.C.

§102(e) has been overcome by the present remarks and withdrawal thereof is respectfully

requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application

with claims 1-28 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this

application, it is submitted that these claims, as originally presented, were patentably distinct

over the prior art of record, and that these claims were in full compliance with the requirements

of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose

of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes

were made simply for clarification and to round out the scope of protection to which Applicant is
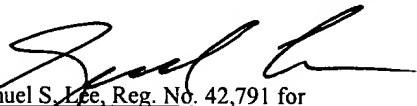
entitled.

In the event that additional cooperation in this case may be helpful to complete its

prosecution, the Examiner is cordially invited to contact Applicant's representative at the

telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any

overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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